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16 **IN THE UNITED STATES DISTRICT COURT
17 FOR THE DISTRICT OF NEVADA**

18 DONNA BROWER,

19 Plaintiff,

20 v.

21 MCDONALD'S CORPORATION, a Foreign
22 Corporation licensed to do business in Nevada,

23 Defendant.

24 Case No.: 2:19-cv-02099-GMN-BNW

25 **STIPULATION TO EXTEND DEADLINE**

26 **(Fourth Request)**

27 Pursuant to Federal Rules of Civil Procedure 6 and 16(b)(4) as well as L.R. IA 6-1, L.R. IA 6-2
28 and L.R. 7-1, Defendant McDonald's Corporation ("Defendant" or "McDonald's") and Plaintiff Donna
Brower ("Plaintiff" or "Brower"), by and through their respective attorneys, hereby stipulate and agree to
extend the discovery cutoff by twenty four (24) days, up to and including Friday, July 23, 2021. This

1 request is for the limited purpose of extending the deadline to complete the Fed. R. Civ. P. 30(b)(6)
2 depositions.

3 Thus far, the Parties have agreed to a protective order, engaged in extensive written discovery,
4 have scheduled and taken several witness and Rule 30(b)(6) depositions. Defendant has been unable to
5 communicate with and prepare a former employee who has necessary information regarding the first
6 30(b)(6) topic noticed by Brower, despite diligent efforts to do so. Accordingly, the Parties request a brief
7 extension of time to locate the witness so that the Rule 30(b)(6) depositions may be completed in a single
8 day by Brower's counsel to reduce costs. This is the Parties' fourth request to extend the discovery cut-
9 off deadline. The first was granted March 27, 2020 and was a result to the COVID-19. The second and
10 third, granted June 29, 2020 and December 29, 2020, respectively, were necessary due to the illness and
11 subsequent death of Plaintiff's daughter.

12 In accordance with L.R. 26-4(a)-(d), the parties provide the following information in support of
13 this stipulation to extend discovery and other pretrial deadlines:

14 **(a) Discovery Completed**

15 The Parties have served their initial disclosures as well as supplemental disclosures. Defendant
16 served its first set of written discovery to which Plaintiff has responded. Plaintiff has also served three
17 supplemental disclosures and information. Plaintiff served her first and second set of interrogatories, as
18 well as her first, second, third, and fourth requests for production and first set of requests for admissions.
19 All written discovery has been responded to by the Parties.

20 **(b) Discovery That Remains To Be Completed**

21 The remainder of the Rule 30(b)(6) deposition is the only outstanding discovery, particularly on
22 the first and fifth noticed topics (of eight total). The first portion of the Rule 30(b)(6) deposition took
23 place on June 18, 2021.

24 **(c) Reasons Why The Deadline Was Not Satisfied Or The Remaining Discovery Was Not
25 Completed Within The Time Limits Set By The Discovery Plan**

26 The remaining Rule 30(b)(6) depositions have not been completed by the time limit set within the
27 discovery plan due to Defendant's inability to contact a former employee who Defendant believes has
28 knowledge on the first noticed topic, despite diligent efforts to do so. Because Defendant has been unable

1 to contact the former employee, it is still unclear to Defendant if that employee should be designated to
2 testify on the first noticed topic, or if the witness should be someone else. Defendants need more time to
3 contact and communicate with the former employee so as to disclose and prepare the proper witness.
4 Defendant has already identified and prepared a witness to testify on the fifth noticed topic, but it is the
5 intent of the Parties to conduct both depositions on a single day to minimize costs.

6 Federal Rule of Civil Procedure 6(b)(1) governs extension of time and provides that “the court
7 may, for good cause, extend the time... if a request is made, before the original time or its extension
8 expires.” The Parties hereby stipulate and agree to continue or extend the discovery for twenty four (24)
9 days, up to and including July 23, 2021, in order for further attempts to be made to locate, communicate
10 with, and potentially prepare a former employee as a witness, and so that the remainder of the Rule
11 30(b)(6) depositions may take place in a single day.

12 **(d) Proposed Schedule for Completing All Remaining Discovery**

13 In accordance with LR 26-4(d), the parties propose the following schedule for completing all
14 remaining discovery:

15 1. Discovery Cut-Off Date: Currently, July 29, 2021, proposed change to **Friday, July 23, 2021, for the limited purpose of completing the 30(b)(6) deposition.**

16 2. Dispositive Motion Date: Currently, July 29, 2021, proposed change to **August 23, 2021.**

17 3. Pretrial Order Date: Currently, August 30, 2021, proposed change to **September 23, 2021.**

18 For the reasons set forth above, the parties stipulate and agree to extend the discovery cutoff and
19 the other pretrial deadlines as detailed herein for twenty four (24) days, up to and including July 23, 2021,
20 and neither party will be prejudiced by the extension of the deadlines above.

21 Dated: June 28, 2021

22 Dated: June 28, 2021

23 Respectfully submitted,

24

25 /s/ Mary F. Chapman
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27 Law Office of Mary F. Chapman, Ltd.
28 Attorney for Plaintiff Donna Brower

25 /s/ Alison Lungstrum Macneill
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5 Dustin L. Clark, Attorney at Law
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7 *Attorneys for Defendant McDonald's Corp.*
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10 IT IS SO ORDERED.
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14 UNITED STATES MAGISTRATE JUDGE
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16 DATED: July 2, 2021
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